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6 Attorneys for Defendant
7 ARMAN VARDANYAN

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,)	No. 4-11-70780-MAG
)	No. 4-11-70781-MAG
13 Plaintiff,)	
)	STIPULATION AND ORDER TO
14 v.)	CONTINUE STATUS CONFERENCE
)	AND EXCLUDE TIME UNDER THE
15 EDUARD ARAKELYAN, and)	SPEEDY TRIAL ACT
16 ARMAN VARDANYAN,)	
)	
17 Defendants.)	

18 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its
19 attorney, Tamara Weber, and the defendants through their undersigned attorneys, Leo Fasen and
20 Jerry Kaplan, that the preliminary hearing or arraignment presently set for January 20, 2012, be
21 continued to February 23, 2012 at 9:30 a.m. Mr. Kaplan will be unavailable on January 20, 2012
22 because he will be in Miami, Florida. In addition, defense counsel request additional time to
23 review a plea agreement with their clients. The parties agree that the delay is not attributable to
24 lack of diligent preparation on the party of the attorney for the government or defense counsel.
25 For these reasons, the parties request that time under the Speedy Trial Act be excluded based on
26 continuity of counsel and the defense's need for reasonable time necessary for effective
27 preparation, taking into account the exercise of due diligence.. Defendant also agrees to waive
28 the timing of a preliminary hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of

STIPULATION AND ORDER
Nos. 4-11-70780/4-11-70781

cc: Copy to parties via ECF, Lashanda

1 Criminal Procedure 5.1. The parties agree that the waiver covers all time between the date of this
2 stipulation and February 23, 2012.

3 IT IS SO STIPULATED
4

5 Dated: January 18, 2012

6 /S/
JERRY KAPLAN
7 Attorney for Defendant Arakelyan

8 Dated: January 18, 2012

9 /S/
LEO FASEN
Attorney for Defendant Vardanyan

10 Dated: January 18, 2012

11 /S/
TAMARA WEBER
12 Special Assistant United States Attorney

13
14 **ORDER**

15 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
16 matter now scheduled for January 20, 2012 is hereby rescheduled for February 23, 2012 at 9:30
17 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds
18 that failing to exclude the time between January 20, 2012 and February 23, 2012 would
19 unreasonably deny the defense continuity of counsel and the reasonable time necessary for
20 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
21 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
22 between January 20, 2012 and February 23, 2012 from computation under the Speedy Trial Act
23 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, it is
24 hereby ordered that the time between January 20, 2012 and February 23, 2012, shall be excluded
25 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). In
26 addition, upon consent of the defendants, the timing of a preliminary hearing or indictment is
27 waived pursuant to 18 U.S.C. § 3161(b) of the Federal Rule of Criminal Procedure 5.1.
28

1 The waiver covers all time between January 20, 2012 and February 23, 2012. The court
2 finds that the ends of justice served by the continuance outweigh the interests of the public and
3 the defendant, and good cause to extend the time for a preliminary hearing.
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5 DATED: January 19, 2012
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7 HONORABLE DONNA M. RYU
8 United States Magistrate Judge
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